



United States Department of Justice

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February 26, 2021

Filed via ECF

Hon. Thomas J. McAvoy
Senior U.S. District Judge
Federal Building and U.S. Courthouse
15 Henry Street
Binghamton, New York 13901

Re: *United States v. Jacob Delaney*, Criminal No. 120CR-335 (TJM)

Dear Judge McAvoy:

The government writes this letter to respectfully request that it be permitted to file a redacted version of its Memorandum of Law in Opposition to the Defendant's Motion to Suppress (Dkt. No. 44), attached hereto, and to file four exhibits under seal in the above captioned matter, Government Exhibits 1 through 4. The government makes this request pursuant to Local Rule of Crime Procedure 49.2(b) and *Lugosch v. Pyramid Co. of Onondaga County*, 435 F.3d 110, 119-27 (2d Cir. 2006). This case involves information relating to a broader and ongoing investigation, as well as law enforcement sensitive information, the public filing of which could seriously jeopardize the continuing investigation as to other targets. As such, this Court issued a Protective Order in this matter on December 17, 2020. The government's Memorandum similarly contains such information that the government seeks to redact.

Prior to the defendant publicly filing his motion to suppress, he requested to file his motion under seal in its entirety, and the Court ordered that the defendant file a redacted version. The government and defendant conferred on those redactions and the government has sought to apply the same rationale to the redactions applied in its attached Memorandum.

The government provided a sealed, unredacted copy of its Memorandum to the defendant and the Court for the Court's review, *in camera*, as well as a copy of Government Exhibit 3 via email on February 26, 2021. The government is also mailing the Court and defense counsel copies of Government Exhibits 1, 2 and 4 on a USB drive, which consist of audio and visual recordings and which it seeks to file under seal.

Thank you for your consideration of this matter.

Respectfully submitted,

/s/ Alicia Suarez

Assistant U.S. Attorney

The Court, having reviewed the contents of the government's redacted Memorandum of Law in Opposition to the Defendant's Motion to Suppress and unredacted Memorandum, which the government submitted in camera, as well as Government Exhibits 1 through 4, which the Government submitted in camera, ORDERS that the government's Memorandum of Law in Opposition to the Defendant's Motion to Suppress be filed as redacted and that the exhibits be filed under seal.

IT IS SO ORDERED.

Hon. Thomas J. McAvoy
Senior United States District Judge